

LAUSANNE CONFERENCE AND TREATY

EXCHANGE OF TELEGRAMS BETWEEN THE BRITISH AND CANADIAN GOVERNMENTS

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LAUSANNE CONFERENCE AND TREATY

From the Secretary of State for the Colonies to the Governor General

LONDON, October 27, 1922.

Following for your Prime Minister. Begins:—

Yesterday invitations were sent by the Governments of Great Britain, France and Italy, to the Japanese, Roumanian, Yougoslav, Greek and Turkish Governments, "both of Constantinople and Angora", to send representatives to Lausanne November 13th to conclude Treaty to end the War in the East which will replace Treaty of Sevres. Russian Soviet Government and Bulgarian Government also being invited to send to Lausanne, at any date to be fixed, representatives to take part in discussion on question of the Straits which the Conference will undertake at a later stage. Enquiry (?) is also being addressed by the three Governments to the United States expressing hope that they will permit United States representative to be present during Lausanne negotiations in a capacity similar to that in which United States representative was present during negotiations at San Remo in 1920, or to take more active part in the negotiations, specially on the question of the Straits. According to arrangements agreed upon with French and Italian Governments each Government would be represented at Lausanne by two plenipotentiaries. Secretary of State for Foreign Affairs will personally act as chief British plenipotentiary and it is proposed he should be accompanied by the British High Commissioner at Constantinople. Dominion Governments will be kept informed from time to time on the general lines of policy on which British plenipotentiaries propose to proceed and of course of negotiations and in case of other Treaties arising out of the peace will of course be invited to sign new Treaty and any separate instrument regulating the status of the Straits. His Majesty's Government trusts that this procedure will be in accordance with the wishes of your Government. Plenipotentiaries are fully acquainted with the Imperial aspect of the problem and with the keen interest taken by the Dominion Governments in its solution. Similar telegram sent to other Prime Ministers. Ends.

DEVONSHIRE.

From the Governor General to the Secretary of State for the Colonies

OTTAWA, October 31, 1922.

Following from Prime Minister for you. Begins:

I have the honour to acknowledge the receipt of Your Grace's despatch of the 27th instant, informing our Government of the invitations to the Lausanne Conference which have been sent to the Governments of other countries by the Governments of Great Britain, France and Italy, and setting forth the procedure in reference thereto.

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Our Government has no exception to take to the course pursued by His Majesty's Government with respect to the conclusion of a treaty to end the war in the Near East. As, however, it is proposed to keep our Government informed from time to time of the general lines of policy on which British plenipotentiaries propose to proceed, and of the course of negotiations, and to invite us to sign a new treaty and any separate instrument regulating the status of the Straits, we deem it advisable to avail ourselves of the earliest opportunity to inform His Majesty's Government that in our opinion the extent to which Canada may be held to be bound by the proceedings of the conference or by the provisions of any treaty or other instrument arising out of the same, is necessarily a matter for the Parliament of Canada to decide and that the rights and powers of our Parliament in these particulars must not be held to be affected by implication or otherwise in virtue of the information with which our Government may be supplied. Ends.

BYNG.

From the Secretary of State for the Colonies to the Governor General

LONDON, November 16, 1922.

Following from Prime Minister for your Prime Minister. Begins:—

I brought your message of October 31 as to the Lausanne Conference before the Cabinet to-day. We fully understand that it is the desire of the Canadian Government that any Treaty with Turkey, which may result from the Conference, should be submitted to the Canadian Parliament for approval before His Majesty is advised to ratify it. It is our most earnest desire that you should be kept fully informed of the developments of the Conference and we shall endeavour to send you full details. Ends.

DEVONSHIRE.

From the Governor General to the Secretary of State for the Colonies

OTTAWA, November 25, 1922.

Following from Prime Minister for you. Begins:—

Your Grace's message of November sixteenth, referring to mine of October thirty-first, concerning the Lausanne Conference, was carefully considered by our Cabinet to-day. We feel that the purport of my message of October thirty-first has not been correctly interpreted or understood. (Stop) Our Government has not expressed a desire to have any treaty with Turkey, which may result from the Conference, submitted to the Canadian Parliament for approval, before His Majesty is advised to ratify it, nor do we wish to be understood as preferring

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any such request. My message was intended to make clear that we had no exception to take to Canada not being invited to be represented at the Conference, but, inasmuch as we had been informed that we would be invited to sign a new Treaty and any separate instrument regulating the status of the Straits we wished to make it perfectly clear that in our opinion the extent to which Canada may be held to be bound by the proceedings of the Conference or by the provisions of any treaty or other instrument arising out of the same, was necessarily a matter for the Parliament of Canada to decide. (Stop) We deem it of the utmost importance that there should be no misunderstanding as to our position with respect to Canada's obligations in this and kindred matters. (Stop) In our opinion Parliament will desire, as respects the Treaty with Turkey and any other instruments arising out of the Lausanne Conference to reserve to itself the right to decide upon the merits of the case what action on the part of the people of Canada is right and proper. In this connection we shall be pleased to have authority to place before Parliament all the information with which we may from time to time be supplied. Ends.

BYNG.

From the Secretary of State for the Colonies to the Governor General

LONDON, December 8, 1922.

Your telegram of November 25. Following for your Prime Minister. Begins:—

Treaty with Turkey. Our message of November 16th was framed on the assumption that the Canadian Government would wish to follow the procedure adopted in the case of treaties with Germany, Austria and Bulgaria. I am sorry if your telegram of October 31 was not fully understood here, as you say it is most important that there should be no misunderstanding on so important a question. Awkwardness therefore sets out the position as it appears to us. It is this. Any Treaty resulting from the Lausanne Conference will of course replace the Treaty of Sevres and until it comes into force, a state of war between the British Empire and Turkey will technically continue. Treaty must therefore be binding on the whole Empire when ratified. It remains to be seen whether there will be a successful issue to the Lausanne Conference, but if there is, we should much prefer that any new Treaty should follow (?) Paris precedent, and include signatures on behalf of all the Dominions. Do I gather from your telegram that the Canadian Government are not adverse to the procedure proposed as regards the signature of the new Treaty and of any separate instrument regarding the Straits but wish to make it clear that should anything in the Treaty or instrument be held to impose any serious international obligation on Canada, as part of the British Empire, it cannot be considered binding on Canada until approved by Parliament? If so, it does not appear to us that the procedure which you propose is essentially different from that which we should

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adopt in relation to Parliament here if the contingency contemplated should arise. In any event should legislation be required to give effect to the technical provisions of the Treaty, this would presumably necessitate its submission to the Parliament in Canada as here.

As regards to last sentence of your telegram, would it not be well to wait until it is known whether the Lausanne Conference results in the signature of a Treaty or Treaties and then lay the instruments themselves before Parliament. I do not think that it would be possible to publish any of the telegrams now being sent to you concerning the proceedings at Lausanne seeing that they often contain records of confidential interviews and impressions and other material intended only for private information. Ends.

DEVONSHIRE.

From the Governor General to the Secretary of State for the Colonies

OTTAWA, December 31, 1922.

Following from Prime Minister for you. Begins:—

Treaty with Turkey. Your Grace's telegram of December 8 begins: Quote. Our message of November 16 was framed on the assumption that the Canadian Government would wish to follow the procedure adopted in the case of treaties with Germany, Austria and Bulgaria. End quote.

The procedure referred to is, we understand, that adopted with respect to the Paris Peace Conference, and followed later with respect to the Washington Conference on the Limitation of Armament. As regards Canada's participation there were in that procedure four separate, distinct and essential stages.

One. Direct representation of Canada at the conferences at which the treaties were drafted, and participation in the proceedings of the conferences by Canada's representatives, each representative holding a Full Power signed by His Majesty the King in the form of letters patent authorizing him to sign (quote) for and in the name of His Majesty the King in respect of the Dominion of Canada (end quote) any treaties, conventions or agreements that might tend to the attainment of the object of the conferences, the Canadian Government having by Order in Council sanctioned the issuance of these Full Powers by His Majesty.

Two. Formal signing of the treaties on behalf of Canada by the plenipotentiaries so named.

Three. Approval by the Parliament of Canada of the treaties thus signed on behalf of Canada.

Four. Assent of the Government of Canada to the final act of ratification by His Majesty the King of the treaty signed on behalf of Canada and approved by the Parliament of Canada.

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Your Grace is quite right in assuming that as regards treaties in which Canada is supposed to have a direct or immediate interest, the procedure here outlined is the one which our Government would wish to follow. In the case of the main political treaties concluded since the War, in general the rule seems to have been followed that, wherever the Dominions could be said to have a direct or immediate interest, the procedure was shaped to include their participation in, and signature of, the proceedings. That in the case of the conference at Lausanne a like procedure has not been followed with respect to representation and participation by Canada, has been regarded by us as evidence that in the opinion of the countries by whom the invitations to the conference at Lausanne were extended, Canada could not have been believed to have the direct and immediate interest which she was supposed to have in the conferences at Versailles and Washington.

To the course pursued with respect to the Lausanne conference, we have, as mentioned in my telegram of October 31, no exception to take. As regards procedure, however, it must be apparent that quite apart from any action or representation on the part of the Government of Canada, a different procedure has been followed in the case of the present conference at Lausanne to that followed at Versailles and Washington. In so far as one stage in procedure is necessarily dependent upon the stage preceding, it is difficult to see how a like procedure can be followed. Canada has not been invited to send representatives to the Lausanne Conference, and has not participated in the proceedings of the conference either directly or indirectly. Under the circumstances, we do not see how, as respects signing on behalf of Canada, we can be expected in the case of a new treaty or of any separate instrument regarding the Straits, to follow the procedure adopted in the case of the treaties with Germany, Austria and Bulgaria. Ends.

BYNG.

From the Secretary of State for the Colonies to the Governor General

LONDON, January 27, 1923.

Your telegram dated December 31, Lausanne Conference. Please inform your Prime Minister that in the circumstances His Majesty's Government willing to fall in with his suggestion that any Treaties with Turkey resulting from Conference should be signed only by the British Plenipotentiaries who have negotiated them, if it is generally acceptable. I am ascertaining whether it will be agreeable to the Prime Minister of the Commonwealth of Australia and the Prime Minister of New Zealand.

DEVONSHIRE.

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From the Secretary of State for the Colonies to the Governor General

LONDON, June 7, 1923.

My telegram dated January 27. I am assuming that if, as is hoped, the Conference at Lausanne results in the completion of a Treaty with Turkey, your Prime Minister would wish the previous arrangements regarding signature by British plenipotentiaries to hold good.

DEVONSHIRE.

From the Governor General to the Secretary of State for the Colonies

OTTAWA, June 15, 1923.

Your telegram June 7.

In the event of Conference at Lausanne resulting in completion of Treaty with Turkey, Canadian Government are agreeable that previous arrangements regarding signature by British Plenipotentiaries should hold good.

GOVERNOR GENERAL.

From the Secretary of State for the Colonies to the Governor General

LONDON, February 22, 1924.

My telegram Peace Treaty with Turkey. In order that the necessary action may be taken as soon as possible after the Bill becomes law, hoped that your Ministers will be in position, at very early date, to signify concurrence in ratification of Treaty and Conventions in question, including the Convention relating to Reparations, and also to intimate their wishes as regards declaration in connection with the Convention respecting the conditions of the Business and Commercial Convention, see my predecessor's despatch dated August 20, Dominion Treaty No. 31, paragraph 3.

SECRETARY OF STATE FOR THE COLONIES.

From the Secretary of State for the Colonies to the Governor General

LONDON, March 21, 1924.

My telegram dated February 22. Peace Treaty with Turkey. Bill has now been read third time House of Lords and hoped to introduce it into House of Commons March 28th, and to secure passage within very short period thereafter.

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It is considered extremely important that His Majesty's ratification should take place at the earliest possible moment after passage of Bill. In the circumstances hoped that your Ministers may be in a position to reply to my telegram at very early date and if possible by the end of March.

SECRETARY OF STATE FOR THE COLONIES.

From the Governor General to the Secretary of State for the Colonies

OTTAWA, March 24, 1924.

Your telegrams March 21 and February 22—

The Government of Canada not having been invited to send a representative to the Lausanne Conference and not having participated in the proceedings of the Conference either directly or indirectly, and not being for this reason a signatory to the Treaty on behalf of Canada (see my telegram to your predecessor December 31, 1922) my Ministers do not feel that they are in a position to recommend to Parliament the approval of the peace Treaty with Turkey and the Conventions thereto. Without the approval of Parliament they feel they are not warranted in signifying concurrence in ratification of the Treaty and Conventions. With respect to ratification, however, they will not take exception to such course as His Majesty's Government may deem it advisable to recommend. This appears to be in harmony with the resolution of the recent Imperial Conference (cmd. 1987, pages 14 and 15). The provisions thereof with reference to signature 2 (a) on page 14 and ratification (a) on page 15 appear to cover this case, which is not within the provisions of Signature 2 (b) on page 14 and Ratification (b) on page 15.

GOVERNOR GENERAL.
